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1 prevent the breakup of the Indian child's family, has not provided to the Indian child's
2 family, consistent with the child's permanency case plan, the services necessary to
3 prevent the breakup of the Indian child's family.

4 **SECTION 88.** 48.425 (1) (c) of the statutes is amended to read:

5 48.425 (1) (c) If the child has been previously adjudicated to be in need of
6 protection and services, a statement of the steps the agency or person responsible for
7 provision of services has taken to remedy the conditions responsible for court
8 intervention and the parent's response to and cooperation with these services. If the
9 child has been removed from the home, the report shall also include a statement of
10 the reasons why the child cannot be returned safely to the family and the steps the
11 person or agency has taken to effect this return. If a permanency case plan has
12 previously been prepared for the child, the report shall also include specific
13 information showing that the agency primarily responsible for providing services to
14 the child has made reasonable efforts to achieve the goal of the child's permanency
15 case plan, including, if appropriate, through an out-of-state placement.

16 **SECTION 89.** 48.43 (1) (c) of the statutes is amended to read:

17 48.43 (1) (c) If an agency receives custody of the child under par. (a), the child's
18 permanency case plan prepared under s. 48.38 by the agency. If a permanency case
19 plan has not been prepared at the time the order is entered, or if the court enters an
20 order that is not consistent with the permanency case plan, the agency shall prepare
21 a permanency case plan that is consistent with the order or revise the permanency
22 case plan to conform to the order and shall file the plan with the court within 60 days
23 from the date of the order.

24 **SECTION 90.** 48.43 (1) (cm) of the statutes is amended to read:

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1 48.43 (1) (cm) If a permanency case plan has previously been prepared for the
2 child, a finding as to whether the agency primarily responsible for providing services
3 to the child has made reasonable efforts to achieve the goal of the child's permanency
4 case plan, including, if appropriate, through an out-of-state placement. The court
5 shall make the findings specified in this paragraph on a case-by-case basis based
6 on circumstances specific to the child and shall document or reference the specific
7 information on which those findings are based in the order. An order that merely
8 references this paragraph without documenting or referencing that specific
9 information in the order or an amended order that retroactively corrects an earlier
10 order that does not comply with this paragraph is not sufficient to comply with this
11 paragraph.

12 **SECTION 91.** 48.43 (2) (b) of the statutes is amended to read:

13 48.43 (2) (b) A relative whose relationship to the child is derived through the
14 parent whose parental rights are terminated is considered to be a relative of the child
15 for purposes of placement of, and permanency case planning for, the child until that
16 relationship is extinguished by an order of adoption as provided in s. 48.92 (2).

17 **SECTION 92.** 48.43 (5) (a) of the statutes is amended to read:

18 48.43 (5) (a) If the custodian specified in sub. (1) (a) is an agency, the agency
19 shall report to the court on the status of the child at least once each year until the
20 child is adopted or reaches 18 years of age, whichever is sooner. The agency shall file
21 an annual report no less than 30 days before the anniversary of the date of the order.
22 An agency may file an additional report at any time if it determines that more
23 frequent reporting is appropriate. A report shall summarize the child's permanency
24 case plan and the recommendations of the review panel under s. 48.38 (5), if any, and

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1 shall describe any progress that has been made in finding a permanent placement
2 for the child.

3 **SECTION 93.** 48.43 (5) (b) 1. of the statutes is amended to read:

4 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency case
5 plan within 30 days after receiving a report under par. (a). At least 10 days before
6 the date of the hearing, the court shall provide notice of the time, place, and purpose
7 of the hearing to the agency that prepared the report, the child's guardian, the child,
8 and the child's foster parent, the operator of the facility in which the child is living,
9 or the relative with whom the child is living.

10 **SECTION 94.** 48.43 (5) (b) 2. of the statutes is amended to read:

11 48.43 (5) (b) 2. If the child's permanency case plan includes a statement under
12 s. 48.38 (4) (i) indicating that the child's age and developmental level are sufficient
13 for the court to consult with the child regarding the child's permanency case plan or
14 if, notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate
15 for the court to consult with the child, the court determines that consultation with
16 the child would be in the best interests of the child, the court shall consult with the
17 child, in an age-appropriate and developmentally appropriate manner, regarding
18 the child's permanency case plan and any other matters the court finds appropriate.
19 If none of those circumstances apply, the court may permit the child's caseworker, the
20 child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make
21 a written or oral statement during the hearing, or to submit a written statement
22 prior to the hearing, expressing the child's wishes, goals, and concerns regarding the
23 permanency case plan and those matters. If the court permits such a written or oral
24 statement to be made or submitted, the court may nonetheless require the child's
25 presence at the hearing.

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SECTION 95. 48.43 (5) (c) of the statutes is amended to read:

48.43 (5) (c) Following the hearing, the court shall make all of the determinations specified under s. 48.38 (5) (c), except the determinations relating to the child's parents. The court may amend the order under sub. (1) to transfer the child's guardianship and custody to any agency specified under s. 48.427 (3m) (a) 1. to 4. or (am) that consents to the transfer, if the court determines that the transfer is in the child's best interest. If an Indian child's guardianship and custody are transferred under this paragraph, the agency consenting to the transfer shall comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) in placing the child, unless the agency finds good cause, as described in s. 48.028 (7) (e), for departing from that order. If an order is amended, the agency that prepared the permanency case plan shall revise the plan to conform to the order and shall file a copy of the revised plan with the court. Each plan filed under this paragraph shall be made a part of the court order.

SECTION 96. 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency case plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child's foster parent or, the operator of the facility in which the child is living, to the child's guardian or the relative with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child's tribe.

SECTION 97. 48.63 (4) of the statutes is amended to read:

48.63 (4) A permanency case plan under s. 48.38 is required for each child placed in a foster home under sub. (1). If the child is living in a foster home under a voluntary agreement, the agency that negotiated or acted as intermediary for the

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1 placement shall prepare the permanency case plan within 60 days after the date on
2 which the child was removed from his or her home under the voluntary agreement.
3 A copy of each plan shall be provided to the child if he or she is 12 years of age or over
4 and to the child's parent, guardian, or Indian custodian. If the agency that arranged
5 the voluntary placement intends to seek a court order to place the child outside of his
6 or her home at the expiration of the voluntary placement, the agency shall prepare
7 a revised permanency case plan and file that revised plan with the court prior to the
8 date of the hearing on the proposed placement.

9 **SECTION 98.** 48.63 (5) (c) of the statutes is amended to read:

10 48.63 (5) (c) A permanency case plan under s. 48.38 is required for each child
11 placed in a group home under par. (b) and for any child of that child who is residing
12 with that child. The agency that placed the child or that arranged the placement of
13 the child shall prepare the plan within 60 days after the date on which the child was
14 removed from his or her home under the voluntary agreement and shall provide a
15 copy of the plan to the child and the child's parent, guardian, or Indian custodian.

16 **SECTION 99.** 48.63 (5) (d) 1. of the statutes is amended to read:

17 48.63 (5) (d) 1. In this paragraph, "independent reviewing agency" means a
18 person contracted with under subd. 2. to review permanency case plans and
19 placements under subds. 3. to 6.

20 **SECTION 100.** 48.63 (5) (d) 2. of the statutes is amended to read:

21 48.63 (5) (d) 2. An agency that places children under par. (b) or that arranges
22 those placements shall contract with another agency licensed under s. 48.61 (3) to
23 place children or with a county department to review the permanency case plans and
24 placements of those children and of any children of those children who are residing
25 with those children as provided in subds. 3. to 6.

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1 **SECTION 101.** 48.63 (5) (d) 3. of the statutes is amended to read:

2 48.63 (5) (d) 3. If the agency that has placed a child under par. (b) or that has
3 arranged the placement of the child wishes to extend the placement of the child, the
4 agency shall prepare a revised permanency case plan for that child and for any child
5 of that child who is residing with that child and submit the revised permanency case
6 plan or plans, together with a request for a review of the revised permanency case
7 plan or plans and the child's placement, to the independent reviewing agency before
8 the expiration of the child's placement. The request shall include a statement that
9 an extension of the child's placement would be in the best interests of the child,
10 together with reliable and credible information in support of that statement, a
11 statement that the child and the parent, guardian, or Indian custodian of the child
12 consent to the extension of the child's placement, and a request that the independent
13 reviewing agency approve an extension of the child's placement. On receipt of a
14 revised permanency case plan or plans and a request for review, the independent
15 reviewing agency shall set a time and place for the review and shall advise the agency
16 that placed the child or that arranged the placement of the child of the time and place
17 of the review.

18 **SECTION 102.** 48.63 (5) (d) 4. of the statutes is amended to read:

19 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
20 the child or that arranged the placement of the child shall provide a copy of the
21 revised permanency case plan or plans and the request for review submitted under
22 subd. 3. and notice of the time and place of the review to the child, the parent,
23 guardian, Indian custodian, and legal custodian of the child, and the operator of the
24 group home in which the child is placed, together with notice of the issues to be
25 determined as part of the permanency case plan review and notice of the fact that

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1 those persons shall have a right to be heard at the review by submitting written
2 comments to that agency or the independent reviewing agency before the review or
3 by participating at the review.

4 **SECTION 103.** 48.63 (5) (d) 6. of the statutes is amended to read:

5 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the
6 revised ~~permanency~~ case plan or plans shall prepare a written summary of the
7 determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall
8 provide a copy of that summary to the independent reviewing agency, the child, the
9 parent, guardian, Indian custodian, and legal custodian of the child, and the operator
10 of the group home in which the child was placed.

11 **SECTION 104.** 48.831 (4) (e) of the statutes is amended to read:

12 48.831 (4) (e) The court shall order the custodian appointed under par. (b) or
13 (c) to prepare a ~~permanency~~ case plan under s. 48.38 for the child within 60 days after
14 the date of the order. A ~~permanency~~ case plan ordered under this paragraph is
15 subject to review under s. 48.38 (5). In preparing a ~~permanency~~ case plan, the
16 department, county department or child welfare agency need not include any
17 information specified in s. 48.38 (4) that relates to the child's parents or returning
18 the child to his or her home. In reviewing a ~~permanency~~ case plan, a court or panel
19 need not make any determination under s. 48.38 (5) (c) that relates to the child's
20 parents or returning the child to his or her home.

21 **SECTION 105.** 48.834 (1) of the statutes is amended to read:

22 48.834 (1) PLACEMENT WITH RELATIVES. Before placing a child for adoption under
23 s. 48.833, the department, county department under s. 48.57 (1) (e) or (hm), or child
24 welfare agency making the placement shall consider the availability of a placement
25 for adoption with a relative of the child who is identified in the child's ~~permanency~~

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1 case plan under s. 48.38 or 938.38 or who is otherwise known by the department,
2 county department, or child welfare agency.

3 **SECTION 106.** 48.834 (2) of the statutes is amended to read:

4 48.834 (2) PLACEMENT WITH SIBLINGS. If a child who is being placed for adoption
5 under s. 48.833 has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have
6 been adopted or who have been placed for adoption, the department, county
7 department under s. 48.57 (1) (e) or (hm), or child welfare agency making the
8 placement shall make reasonable efforts to place the child for adoption with an
9 adoptive parent or proposed adoptive parent of such a sibling who is identified in the
10 child's permanency case plan under s. 48.38 or 938.38 or who is otherwise known by
11 the department, county department, or child welfare agency, unless the department,
12 county department, or child welfare agency determines that a joint placement would
13 be contrary to the safety or well-being of the child or any of those siblings, in which
14 case the department, county department, or child welfare agency shall make
15 reasonable efforts to provide for frequent visitation or other ongoing interaction
16 between the child and the siblings, unless the department, county department, or
17 child welfare agency determines that such visitation or interaction would be contrary
18 to the safety or well-being of the child or any of those siblings.

19 **SECTION 107.** 48.977 (3r) of the statutes, as affected by 2011 Wisconsin Act 32,
20 is amended to read:

21 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subsidized guardianship payments
22 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized
23 guardianship agreement under s. 48.623 (2) is entered into before the guardianship
24 order is granted and the court either terminates any order specified in sub. (2) (a) or
25 dismisses any proceeding in which the child has been adjudicated in need of

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1 protection or services as specified in sub. (2) (a). If a child's permanency case plan
2 calls for placement of the child in the home of a guardian and the provision of monthly
3 subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a)
4 shall include in the petition under sub. (4) (b) a statement of the determinations
5 made under s. 48.623 (1) and a request for the court to include in the court's findings
6 under sub. (4) (d) a finding confirming those determinations. If the court confirms
7 those determinations, appoints a guardian for the child under sub. (2), and either
8 terminates any order specified in sub. (2) (a) or dismisses any proceeding in which
9 the child is adjudicated to be in need of protection or services as specified in sub. (2)
10 (a), the county department or, in a county having a population of 750,000 or more,
11 department shall provide monthly subsidized guardianship payments to the
12 guardian under s. 48.623 (1).

13 **SECTION 108.** 48.977 (4) (e) of the statutes is amended to read:

14 48.977 (4) (e) *Court report.* For a child who has been placed, or continued in
15 a placement, outside of his or her home for 6 months or longer, the court shall order
16 the person or agency primarily responsible for providing services to the child under
17 a court order to file with the court a report containing the written summary under
18 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
19 as is reasonably ascertainable. For a child who has been placed, or continued in a
20 placement, outside of his or her home for less than 6 months, the court shall order
21 the person or agency primarily responsible for providing services to the child under
22 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
23 (1), the permanency case plan prepared under s. 48.38 or 938.38, if one has been
24 prepared, and as much information relating to the appointment of a guardian as is

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1 reasonably ascertainable. The agency shall file the report at least 48 hours before
2 the date of the dispositional hearing under par. (fm).

3 **SECTION 109.** 48.977 (4) (i) of the statutes is amended to read:

4 48.977 (4) (i) *Effect of disposition on ~~permanency~~ case plan review process.*
5 After a disposition under par. (h), the child's ~~permanency~~ case plan shall continue to
6 be reviewed under s. 48.38 (5), if applicable.

7 **SECTION 110.** 49.471 (4) (a) 4. a. of the statutes is amended to read:

8 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
9 is living in the home with the parent or caretaker relative or who is temporarily
10 absent from the home for not more than 6 months or, if the child has been removed
11 from the home for more than 6 months, the parent or caretaker relative is working
12 toward unifying the family by complying with a ~~permanency~~ case plan under s. 48.38
13 or 938.38.

14 **SECTION 111.** 49.471 (4) (b) 4. a. of the statutes is amended to read:

15 49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
16 is living in the home with the parent or caretaker relative or who is temporarily
17 absent from the home for not more than 6 months or, if the child has been removed
18 from the home for more than 6 months, the parent or caretaker relative is working
19 toward unifying the family by complying with a ~~permanency~~ case plan under s. 48.38
20 or 938.38.

21 **SECTION 112.** 146.82 (2) (a) 18m. of the statutes is amended to read:

22 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
23 or juvenile who has been placed in a foster home, group home, residential care center
24 for children and youth, or juvenile correctional facility, including a placement under
25 s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, group

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1 home, residential care center for children and youth, or juvenile correctional facility
2 is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4),
3 to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424
4 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for
5 preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or
6 938.365 (2g), to an agency responsible for preparing a permanency case plan under
7 s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355
8 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child
9 or juvenile or arranged for the placement of the child or juvenile in any of those
10 placements and, by any of those agencies, to any other of those agencies and, by the
11 agency that placed the child or juvenile or arranged for the placement of the child or
12 juvenile in any of those placements, to the foster parent of the child or juvenile or the
13 operator of the group home, residential care center for children and youth, or juvenile
14 correctional facility in which the child or juvenile is placed, as provided in s. 48.371
15 or 938.371.

16 **SECTION 113.** 252.15 (3m) (d) 15. of the statutes is amended to read:

17 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
18 in a foster home, group home, residential care center for children and youth, or
19 juvenile correctional facility, as defined in s. 938.02 (10p), including a placement
20 under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home,
21 group home, residential care center for children and youth, or juvenile correctional
22 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3)
23 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
24 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency
25 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),

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1 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency
2 case plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831
3 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the
4 child or arranged for the placement of the child in any of those placements and, by
5 any of those agencies, to any other of those agencies and, by the agency that placed
6 the child or arranged for the placement of the child in any of those placements, to the
7 child's foster parent or the operator of the group home, residential care center for
8 children and youth, or juvenile correctional facility in which the child is placed, as
9 provided in s. 48.371 or 938.371.

10 **SECTION 114.** 757.69 (1) (g) 14. of the statutes is amended to read:

11 757.69 (1) (g) 14. Conduct permanency case plan reviews under s. 48.38 (5) or
12 938.38 (5) and permanency case plan hearings under s. 48.38 (5m) or 938.38 (5m).

13 **SECTION 115.** 767.41 (3) (b) of the statutes is amended to read:

14 767.41 (3) (b) If the legal custodian appointed under par. (a) is an agency, the
15 agency shall report to the court on the status of the child at least once each year until
16 the child reaches 18 years of age, is returned to the custody of a parent or is placed
17 under the guardianship of an agency. The agency shall file an annual report no less
18 than 30 days before the anniversary of the date of the order. An agency may file an
19 additional report at any time if it determines that more frequent reporting is
20 appropriate. A report shall summarize the child's permanency case plan and the
21 recommendations of the review panel under s. 48.38 (5), if any.

22 **SECTION 116.** 767.41 (3) (c) of the statutes is amended to read:

23 767.41 (3) (c) The court shall hold a hearing to review the permanency case plan
24 within 30 days after receiving a report under par. (b). At least 10 days before the date
25 of the hearing, the court shall provide notice of the time, place, and purpose of the

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1 hearing to the agency that prepared the report; the child; the child's parents,
2 guardian, and legal custodian; and the child's foster parent, the operator of the
3 facility in which the child is living, or the relative with whom the child is living.

4 **SECTION 117.** 808.075 (4) (a) 8. of the statutes is amended to read:

5 808.075 (4) (a) 8. Review of permanency plan case plans under s. 48.38 (5).

6 **SECTION 118.** 808.075 (4) (fn) 8. of the statutes is amended to read:

7 808.075 (4) (fn) 8. Review of permanency plan case plans under s. 938.38 (5).

8 **SECTION 119.** 938.028 (4) (f) 1. d. of the statutes is amended to read:

9 938.028 (4) (f) 1. d. Arrangements were made to provide natural and
10 unsupervised family interaction in the most natural setting that can ensure the
11 Indian juvenile's safety, as appropriate to the goals of the Indian juvenile's
12 permanency case plan, including arrangements for transportation and other
13 assistance to enable family members to participate in that interaction.

14 **SECTION 120.** 938.21 (5) (d) of the statutes is amended to read:

15 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
16 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
17 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
18 permanency case plan for the juvenile.

19 **SECTION 121.** 938.235 (4) (a) 1. of the statutes is amended to read:

20 938.235 (4) (a) 1. Participate in permanency case planning under ss. 48.43 (5)
21 and 938.38.

22 **SECTION 122.** 938.235 (4) (a) 2. of the statutes is amended to read:

23 938.235 (4) (a) 2. Petition for a change in placement under s. 938.357 or a trial
24 reunification under s. 938.358.

25 **SECTION 123.** 938.315 (2m) (b) of the statutes is amended to read:

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1 938.315 (2m) (b) The court making an initial finding under s. 938.38 (5m) that
2 the agency primarily responsible for providing services to the juvenile has made
3 reasonable efforts to achieve the goals of the juvenile's permanency case plan more
4 than 12 months after the date on which the juvenile was removed from the home or
5 making any subsequent findings under s. 938.38 (5m) as to those reasonable efforts
6 more than 12 months after the date of a previous finding as to those reasonable
7 efforts.

8 **SECTION 124.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

9 938.32 (1) (c) 1. c. If a permanency case plan has previously been prepared for
10 the juvenile, a finding as to whether the county department or agency has made
11 reasonable efforts to achieve the goal of the juvenile's permanency case plan,
12 including, if appropriate, through an out-of-state placement.

13 **SECTION 125.** 938.32 (1) (d) of the statutes is amended to read:

14 938.32 (1) (d) If the court finds that any of the circumstances specified in s.
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
16 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
17 permanency case plan for the juvenile.

18 **SECTION 126.** 938.33 (4) (a) of the statutes is amended to read:

19 938.33 (4) (a) A permanency case plan prepared under s. 938.38.

20 **SECTION 127.** 938.33 (4) (c) of the statutes is amended to read:

21 938.33 (4) (c) Specific information showing that continued placement of the
22 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
23 information showing that the county department or the agency primarily
24 responsible for providing services to the juvenile has made reasonable efforts to
25 prevent the removal of the juvenile from the home, while assuring that the juvenile's

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1 health and safety are the paramount concerns, unless any of the circumstances
2 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency case plan has
3 previously been prepared for the juvenile, specific information showing that the
4 county department or agency has made reasonable efforts to achieve the goal of the
5 juvenile's permanency case plan, including, if appropriate, through an out-of-state
6 placement.

7 **SECTION 128.** 938.335 (3g) (c) of the statutes is amended to read:

8 938.335 (3g) (c) That, if a permanency case plan has previously been prepared
9 for the juvenile, the county department or agency has made reasonable efforts to
10 achieve the goal of the juvenile's permanency case plan, including, if appropriate,
11 through an out-of-state placement.

12 **SECTION 129.** 938.335 (4) of the statutes is amended to read:

13 938.335 (4) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS. At hearings
14 under this section, s. 938.357, 938.358, 938.363, or 938.365, on the request of any
15 party, unless good cause to the contrary is shown, the court may admit testimony on
16 the record by telephone or live audiovisual means, if available, under s. 807.13 (2).
17 The request and the showing of good cause may be made by telephone.

18 **SECTION 130.** 938.355 (2) (b) 5. of the statutes is amended to read:

19 938.355 (2) (b) 5. For a juvenile placed outside his or her home under an order
20 under s. 938.34 (3) or 938.345, a permanency case plan under s. 938.38 if one has been
21 prepared.

22 **SECTION 131.** 938.355 (2) (b) 6. of the statutes is amended to read:

23 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
24 continued placement of the juvenile in his or her home would be contrary to the
25 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is

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1 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
2 the juvenile's current residence will not safeguard the welfare of the juvenile or the
3 community due to the serious nature of the act for which the juvenile was adjudicated
4 delinquent. The court order shall also contain a finding as to whether the county
5 department or the agency primarily responsible for providing services under a court
6 order has made reasonable efforts to prevent the removal of the juvenile from the
7 home, while assuring that the juvenile's health and safety are the paramount
8 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
9 to 4. applies, and, if a permanency case plan has previously been prepared for the
10 juvenile, a finding as to whether the county department or agency has made
11 reasonable efforts to achieve the goal of the juvenile's permanency case plan,
12 including, if appropriate, through an out-of-state placement. The court shall make
13 the findings specified in this subdivision on a case-by-case basis based on
14 circumstances specific to the juvenile and shall document or reference the specific
15 information on which those findings are based in the court order. A court order that
16 merely references this subdivision without documenting or referencing that specific
17 information in the court order or an amended court order that retroactively corrects
18 an earlier court order that does not comply with this subdivision is not sufficient to
19 comply with this subdivision.

20 **SECTION 132.** 938.355 (2b) (title) of the statutes is amended to read:

21 938.355 (2b) (title) ~~CONCURRENT REASONABLE EFFORTS~~ PLANNING PERMITTED.

22 **SECTION 133.** 938.355 (2b) of the statutes is renumbered 938.355 (2b) (b) and
23 amended to read:

24 938.355 (2b) (b) A county department or the agency primarily responsible for
25 providing services to a juvenile under a court order ~~(may) at the same time as the~~

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~~county department or agency is making the reasonable efforts required under sub.~~
~~(2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible~~
~~for the juvenile to return safely to his or her home, work with the department of~~
~~children and families, a county department under s. 48.57 (1) (e) or (hm), or a child~~
~~welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the~~
~~juvenile for adoption, with a guardian, with a fit and willing relative, or in some other~~
~~alternative permanent placement, including reasonable efforts to identify an~~
~~appropriate out-of-state placement engage in concurrent planning. A~~
~~determination~~ *shall determine in accordance with standards established by the department*
~~whether to engage in concurrent planning shall be made in~~
~~accordance with the standard established by the department under s. 938.38 (6) (f).~~

SECTION 134. 938.355 (2b) (a) of the statutes is created to read:

938.355 (2b) (a) In this subsection, "concurrent planning" means reasonable
 efforts to work simultaneously towards achieving more than one of the permanency
 goals listed in s. 938.38 (4) (fg) 1. to 5. for a juvenile who is placed in out-of-home care
 and for whom a case plan is required under s. 938.38 (2).

SECTION 135. 938.355 (2c) (b) of the statutes is amended to read:

938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
 the county department or the agency primarily responsible for providing services to
 the juvenile under a court order has made reasonable efforts to achieve the goal of
 the permanency case plan, the court's consideration of reasonable efforts shall
 include the considerations under par. (a) and whether visitation schedules between
 the juvenile and his or her parents were implemented, unless visitation was denied
 or limited by the court.

SECTION 136. 938.355 (2d) (b) (intro.) of the statutes is amended to read:

If, according to those standards, concurrent planning is required, the county department or
agency shall engage in concurrent planning and the court shall make a ^{finding} ~~determination~~ as to
whether the county department or agency has made reasonable efforts to achieve the
primary goal of the ~~juvenile~~ ^{case} plan

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1 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not
2 required to include in a dispositional order a finding as to whether the county
3 department or the agency primarily responsible for providing services under a court
4 order has made reasonable efforts with respect to a parent of a juvenile to prevent
5 the removal of the juvenile from the home, while assuring that the juvenile's health
6 and safety are the paramount concerns, or, if applicable, a finding as to whether the
7 county department or agency has made reasonable efforts with respect to a parent
8 of a juvenile to achieve the permanency case plan goal of returning the juvenile safely
9 to his or her home, if the court finds any of the following:

10 **SECTION 137.** 938.355 (2d) (c) of the statutes is amended to read:

11 938.355 (2d) (c) If the court finds that any of the circumstances under par. (b)
12 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
13 (4m) within 30 days after the date of that finding to determine the permanency case
14 plan for the juvenile.

15 **SECTION 138.** 938.355 (2e) (title) of the statutes is amended to read:

16 938.355 (2e) (title) PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.

17 **SECTION 139.** 938.355 (2e) (a) of the statutes is amended to read:

18 938.355 (2e) (a) If a permanency case plan has not been prepared at the time
19 the dispositional order is entered, or if the court orders a disposition that is not
20 consistent with the permanency case plan, the agency responsible for preparing the
21 plan shall prepare a permanency case plan that is consistent with the order or revise
22 the permanency case plan to conform to the order and shall file the plan with the
23 court within the time specified in s. 938.38 (3). A permanency case plan filed under
24 this paragraph shall be made a part of the dispositional order.

25 **SECTION 140.** 938.355 (2e) (b) of the statutes is amended to read:

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1 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357,
2 a trial reunification is ordered under s. 938.358, or a dispositional order is revised
3 under s. 938.363 or extended under s. 938.365, the agency that prepared the
4 permanency case plan shall revise the plan to conform to the order and shall file a
5 copy of the revised plan with the court. Each plan filed shall be made a part of the
6 court order.

7 **SECTION 141.** 938.355 (2e) (c) of the statutes is amended to read:

8 938.355 (2e) (c) Either the court or the agency that prepared the permanency
9 case plan shall furnish a copy of the original plan and each revised plan to the
10 juvenile's parent or guardian, to the juvenile or the juvenile's counsel or guardian ad
11 litem and to the person representing the interests of the public.

12 **SECTION 142.** 938.356 (1) of the statutes is amended to read:

13 938.356 (1) ORAL WARNING. Whenever the court orders a juvenile to be placed
14 outside his or her home or denies a parent visitation because the juvenile has been
15 adjudged to be delinquent or to be in need of protection or services under s. 938.34,
16 938.345, 938.357, 938.363, or 938.365 and whenever the court reviews a permanency
17 case plan under s. 938.38 (5m), the court shall orally inform the parent or parents
18 who appear in court of any grounds for termination of parental rights under s. 48.415
19 which may be applicable and of the conditions necessary for the juvenile to be
20 returned to the home or for the parent to be granted visitation.
21

22 **SECTION 143.** 938.357 (2v) (c) of the statutes is amended to read:

23 938.357 (2v) (c) *Permanency Case plan hearing.* If the court finds under par.
24 (a) 3. that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with
25 respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days
after the date of that finding to determine the permanency case plan for the juvenile.

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home from which the
juvenile was removed

permanently returning

SECTION 144

to that home

SECTION 144. 938.358 of the statutes is created to read:

938.358 Trial reunification. (1) DEFINITION. In this section, "trial reunification" means a return of a juvenile who is placed in an out-of-home placement under s. 938.355 or 938.357 to the home of his or her parent or other ~~primary caregiver~~ for a specified and limited period for the purpose of determining the appropriateness of ~~reunifying the juvenile with that parent or other caregiver.~~

(2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or agency primarily responsible for implementing the dispositional order ~~or the district attorney~~ may request, or the court on its own motion may propose, a trial reunification. The request or proposal shall contain the name and address of the ~~parent or other primary caregiver whose~~ ^{that} home is the site of the requested or proposed trial reunification, a statement describing why the trial reunification is ~~preferable~~ ^{in the best interests of the juvenile} to the ~~present placement,~~ ^{juvenile's case} and a statement describing how the trial reunification satisfies the objectives of the ~~treatment plan ordered by the court.~~

2. If new information is available that indicates that the trial reunification is preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the court, the juvenile, the parent, guardian, or legal custodian of the juvenile, any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7) may request, or the court on its own motion may propose, a trial reunification. The request or proposal shall contain the name and address of the parent or other primary caregiver whose home is the site of the requested or proposed trial reunification and shall state what new information is available that indicates that the trial reunification is

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or other home from which
the juvenile was removed

preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the court.

3 No 3 No person may request or propose a trial reunification on the grounds that an emergency condition necessitates an immediate return of the juvenile to the home of his or her parent or primary caregiver. If an emergency condition necessitates such an immediate return, the person or agency primarily responsible for implementing the dispositional order shall proceed as provided in s. 938.357 (2).

(b) *Notice; information required.* The person requesting the trial reunification shall submit the request to the court. That person or the court shall cause written notice of the proposed trial reunification to be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, all parties who are bound by the dispositional order, and, if the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. The notice shall contain the information that is required to be included in the request or proposal under par. (a)

1. or 2. whichever is applicable

Any

(c) *Hearing; when required.* 1. If the trial reunification is requested by the person or agency primarily responsible for implementing the dispositional order or the district attorney or if the trial reunification is proposed by the court under par.

(a) 1. any person receiving the notice under par. (b) may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice.

2. If the trial reunification is requested by the juvenile, by the parent, guardian, legal custodian, by any person or agency primarily bound by the dispositional order other than the person or agency primarily responsible for implementing the

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dispositional order, or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian, or if the trial reunification is proposed by the court under par. (a) 2., and if the request or proposal contains the information required under par. (a) 2., the court shall hold a hearing prior to ordering the trial reunification, unless written waivers of objection to the proposed trial reunification are signed by all persons entitled to receive notice under par. (b) and the court approves.

(no) If a hearing is scheduled under sub. 1. or 2., not less than 3 days before the hearing the person requesting the trial reunification or the court shall provide notice of the hearing to all persons who are entitled to receive notice under par. (b). A copy of the request or proposal for the trial reunification shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

(d) Order. If the court finds that the trial reunification is ~~preferable to the~~ in the best interests of the juvenile, ~~present placement~~ and that the trial reunification satisfies the objectives of the juvenile's case ~~treatment plan ordered by the court~~, the court shall grant an order authorizing the trial reunification. A trial reunification shall terminate 90 days after the date of the order, unless the court specifies a shorter period in the order, extends the trial reunification under sub. (3), or revokes the trial reunification under sub. (4). No trial reunification order may extend the expiration date of the original dispositional order under s. 938.355 or any extension order under s. 938.365. A trial reunification under this section is not a change in placement under s. 938.357. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the juvenile to ^{an} ~~his or her~~ out-of-home placement

without further order of the court.

notwithstanding s. 938.357, ~~as~~ or may request a change in placement under s. 938.357 (1)(am) to change the placement of the juvenile to a placement in the home of the juvenile's parent or other home from which the juvenile was removed

(c) or the person or agency primarily responsible for implementing the dispositional order takes as emergency change in placement as provided in sub. (4)(c)

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The person or agency primarily responsible for implementing the dispositional order

Continues to be in the best interests of the juvenile and continues to meet

(3) EXTENSION OF TRIAL REUNIFICATION. (a) *Extension request or proposal.* Any person who is authorized to request or propose a trial reunification under sub. (2) (a) ^{or the court on its own motion may propose} 1 or 2 may request or propose an extension of the trial reunification. The request or proposal shall contain a statement describing how the trial reunification ^{is} meeting the objectives of the ^{juvenile's case} treatment plan ordered by the court. No later than 10 days prior to the expiration of the trial reunification, the person who requests or proposes the extension shall submit the request or proposal to the court that ordered the trial reunification and shall cause notice of the request or proposal to be provided to all persons who are entitled to receive notice under ^{sub. (2)} par. (b). ^{Any}

(b) *Extension hearing; when required.* 1. If the extension is requested or proposed by a person who is authorized to request or propose a trial reunification under sub. (2) (a) 1., any person who is entitled to receive notice of the extension request or proposal under par. (a) may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice.

2. If the trial reunification is requested or proposed by a person who is authorized to request or propose a trial reunification under sub. (2) (a) 2., the court shall hold a hearing prior to ordering the extension, unless written waivers of objection to the requested or proposed extension are signed by all persons entitled to receive notice of the extension request or proposal under par. (a) and the court approves.

3. If a hearing is scheduled, not less than 3 days before the hearing the person requesting the extension or the court shall provide notice of the hearing to all persons who are entitled to receive notice of the extension request or proposal under par. (a). A copy of the request or proposal for the extension shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

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continues to be in the best interests of the juvenile and continues to meet

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(c) *Extension order.* If the court finds that the trial reunification is ~~meeting~~ the objectives of the ~~treatment~~ ^{juvenile's case} plan ordered by the court, the court shall grant an order extending the trial reunification for a period specified by the court not to exceed 60 days. Any number of extensions may be granted under this paragraph, but the total period for a trial reunification may not exceed 150 days.

(4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information required.* If the person or agency primarily responsible for implementing the dispositional order ~~of the district attorney~~ has reasonable cause to suspect that a juvenile who has been returned to the home of his or her parent or other ~~primary caregiver~~ ^{home from which the juvenile was removed} for a trial reunification has been abused or neglected, has reason to believe that such a juvenile has been threatened with abuse or neglect and that abuse or neglect of the juvenile is likely to occur, or otherwise has reason to believe that the trial reunification is ~~not meeting the objectives of the treatment plan ordered by the court~~ ^{or}, that person ^{or} agency ^{may} ~~or district attorney~~ shall request the court to revoke the trial reunification. That person or agency ~~or district attorney~~ shall submit the request to the court that ordered the trial reunification and shall cause notice of the request to be provided to all persons who are entitled to receive notice of the trial reunification under a sub. (2) (b). The request shall contain ~~the name and address of the juvenile's out-of-home placement under s. 938.355 or 938.357 and the reasons for the proposed revocation.~~ ^{when required.}

(b) *Revocation hearing.* ~~The court shall hold a hearing prior to ordering any revocation requested under par. (a). Not less than 3 days prior to the hearing, the court shall provide notice of the hearing, together with a copy of the request for the revocation, to all persons who are entitled to receive notice under sub. (2) (b). If all parties consent, the court may proceed immediately with the hearing.~~

Any person who is entitled to receive notice of the revocation request under par. (a) may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice. If a hearing is scheduled, not

(13) no longer in the best interests of the juvenile

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no longer in the best interests of the juvenile

(c) *Revocation order.* If the court finds that the juvenile, while returned to the home from which the juvenile was removed home of his or her parent or other ~~primary caregiver~~ for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the juvenile is likely to occur, or finds that the trial reunification is ~~not~~ meeting the objectives of the treatment plan ordered by the court, the court shall grant an order revoking the trial reunification and returning the juvenile to his or her out-of-home placement under s. 938.355 or 938.357.

(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is held under sub. (2) (c) ~~and~~ and the trial reunification would remove a juvenile from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested trial reunification. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (2) (c) ~~and~~ and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT. (a) *Prohibition.* Except as provided in par. (c), the court may not order a trial reunification in the home of a person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile, if the conviction has not been reversed, set aside, or vacated.

(d) *Emergency change in placement.* If an emergency condition necessitates an immediate removal of the juvenile from the home of his or her parent or other home from which the juvenile was removed, the person or agency primarily responsible for implementing the dispositional order may proceed as provided in s. 938.357(2).

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(b) *Revocation.* Except as provided in par. (c), if a parent in whose home a juvenile is placed for a trial reunification is convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the juvenile's other parent, and the conviction has not been reversed, set aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4).

(c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile. The court shall consider the wishes of the juvenile in making that determination.

SECTION 145. 938.363 (1) (a) of the statutes is amended to read:

938.363 (1) (a) A juvenile, the juvenile's parent, guardian, or legal custodian, any person or agency bound by a dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or, if the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian may request a revision in the order that does not involve a change in placement or a trial reunification, including a revision with respect to the amount of child support to be paid by a parent. The court may also propose a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter prior to any revision of the dispositional order if the request or court proposal indicates that new information is available that affects the advisability of the court's dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves.

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1 **SECTION 146.** 938.365 (2g) (b) 2. of the statutes is amended to read:

2 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
3 and of any progress the juvenile has made, suggestions for amendment of the
4 permanency case plan, and specific information showing the efforts that have been
5 made to achieve the goal of the permanency case plan, including, if applicable, the
6 efforts of the parents to remedy the factors that contributed to the juvenile's
7 placement.

8 **SECTION 147.** 938.365 (2g) (b) 3. of the statutes is amended to read:

9 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
10 in a foster home, group home, nonsecured residential care center for children and
11 youth, or shelter care facility for 15 of the most recent 22 months, not including any
12 period during which the juvenile was a runaway from the out-of-home placement
13 or ~~the first 6 months of any period during which the juvenile~~ was returned to his or
14 her home for a trial ~~home visit~~ reunification, a statement of whether or not a
15 recommendation has been made to terminate the parental rights of the parents of
16 the juvenile. If a recommendation for a termination of parental rights has been
17 made, the statement shall indicate the date on which the recommendation was made,
18 any previous progress made to accomplish the termination of parental rights, any
19 barriers to the termination of parental rights, specific steps to overcome the barriers
20 and when the steps will be completed, reasons why adoption would be in the best
21 interest of the juvenile and whether or not the juvenile should be registered with the
22 adoption information exchange. If a recommendation for termination of parental
23 rights has not been made, the statement shall include an explanation of the reasons
24 why a recommendation for termination of parental rights has not been made. If the
25 lack of appropriate adoptive resources is the primary reason for not recommending

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1 a termination of parental rights, the agency shall recommend that the juvenile be
2 registered with the adoption information exchange or report the reason why
3 registering the juvenile is contrary to the best interest of the juvenile.

4 **SECTION 148.** 938.365 (2m) (a) 1. of the statutes is amended to read:

5 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
6 extension. If the juvenile is placed outside of his or her home, the person or agency
7 primarily responsible for providing services to the juvenile shall present as evidence
8 specific information showing that the person or agency has made reasonable efforts
9 to achieve the goal of the juvenile's permanency case plan, including, if appropriate,
10 through an out-of-state placement,. If an Indian juvenile is placed outside the home
11 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the person
12 or agency primarily responsible for providing services to the Indian juvenile shall
13 also present as evidence specific information showing that active efforts under s.
14 938.028 (4) (d) 2. have been made to prevent the breakup of the Indian juvenile's
15 family and that those efforts have proved unsuccessful.

16 **SECTION 149.** 938.365 (2m) (a) 1m. of the statutes is amended to read:

17 938.365 (2m) (a) 1m. The court shall make findings of fact and conclusions of
18 law based on the evidence. The findings of fact shall include a finding as to whether
19 reasonable efforts were made by the person or agency primarily responsible for
20 providing services to the juvenile to achieve the goal of the juvenile's permanency
21 case plan, including, if appropriate, through an out-of-state placement,. If the
22 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
23 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the findings of fact shall also
24 include a finding that active efforts under s. 938.028 (4) (d) 2. were made to prevent

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1 the breakup of the Indian juvenile's family and that those efforts have proved
2 unsuccessful. An order shall be issued under s. 938.355.

3 **SECTION 150.** 938.365 (2m) (a) 3. of the statutes is amended to read:

4 938.365 (2m) (a) 3. The court shall make the findings under subd. 1m. relating
5 to reasonable efforts to achieve the goal of the juvenile's permanency case plan and
6 the findings under subd. 2. on a case-by-case basis based on circumstances specific
7 to the juvenile and shall document or reference the specific information on which
8 those findings are based in the order issued under s. 938.355. An order that merely
9 references subd. 1m. or 2. without documenting or referencing that specific
10 information in the order or an amended order that retroactively corrects an earlier
11 order that does not comply with this subdivision is not sufficient to comply with this
12 subdivision.

13 **SECTION 151.** 938.365 (2m) (ad) of the statutes is amended to read:

14 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
16 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
17 permanency case plan for the juvenile.

18 **SECTION 152.** 938.365 (7) of the statutes is amended to read:

19 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.
20 Nothing in this section may be construed to allow any changes in placement, trial
21 reunification, or revocation of aftercare supervision. Revocation and other changes
22 in placement may take place only under s. 938.357, and trial reunifications may take
23 place only under s. 938.358.

24 **SECTION 153.** 938.371 (1) (a) of the statutes is amended to read:

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1 938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the
2 juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court
3 report or permanency case plan. At the time that the test results are provided, the
4 agency shall notify the foster parent, relative, or operator of the group home,
5 residential care center for children and youth, or juvenile correctional facility of the
6 confidentiality requirements under s. 252.15 (6).

7 **SECTION 154.** 938.371 (1) (b) of the statutes is amended to read:

8 938.371 (1) (b) Results of any tests of the juvenile to determine the presence
9 of viral hepatitis, type B, including results included in a court report or permanency
10 case plan.

11 **SECTION 155.** 938.371 (3) (intro.) of the statutes is amended to read:

12 938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile
13 in a foster home, group home, residential care center for children and youth, or
14 juvenile correctional facility or in the home of a relative other than a parent or, if the
15 information is not available at that time, as soon as possible after the date on which
16 the court report or permanency case plan has been submitted, but no later than 7
17 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for
18 preparing the juvenile's permanency case plan shall provide to the foster parent,
19 relative, or operator of the group home, residential care center for children and
20 youth, or juvenile correctional facility information contained in the court report
21 submitted under s. 938.33 (1) or 938.365 (2g) or permanency case plan submitted
22 under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency
23 that prepared the court report or permanency case plan relating to any of the
24 following:

25 **SECTION 156.** 938.371 (4) of the statutes is amended to read:

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938.371 (4) DISCLOSURE BEFORE PLACEMENT PERMITTED. Subsection (1) does not preclude an agency, as defined in s. 48.38 (1) (a), that is arranging for the placement of a juvenile from providing the information specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time of placement of the juvenile. Subsection (3) does not preclude an agency, as defined in s. 48.38 (1) (a), responsible for preparing a juvenile's court report or ~~permanency~~ case plan from providing the information specified in sub. (3) (a) to (e) to a person specified in sub. (3) (intro.) before the time of placement of the juvenile.

SECTION 157. 938.371 (5) of the statutes is amended to read:

938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s. 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group home, residential care center for children and youth, or juvenile correctional facility that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the juvenile or participating in a court hearing or permanency case plan review concerning the juvenile.

SECTION 158. Subchapter VII (title) of chapter 938 [precedes 938.38] of the statutes is amended to read:

CHAPTER 938

SUBCHAPTER VII

PERMANENCY CASE PLANNING; RECORDS

SECTION 159. 938.38 (title) of the statutes is amended to read:

938.38 (title) Permanency Case planning.

SECTION 160. 938.38 (1) (am) of the statutes is amended to read:

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SECTION 160

1 938.38 (1) (am) "Independent agency" means a private, nonprofit organization,
2 but does not include a licensed child welfare agency that is authorized to prepare
3 permanency case plans or that is assigned the primary responsibility of providing
4 services under a permanency case plan.

5 **SECTION 161.** 938.38 (1) (b) of the statutes is renumbered ~~938.38 (1) (ag)~~ and
6 amended to read: 938.02 (1) (v)

7 ~~938.38 (1) (ag)~~ "Permanency Case plan" means a plan designed to ensure that
8 a juvenile is reunified with his or her family whenever appropriate, or that the
9 juvenile quickly attains a placement or home providing long-term stability.

10 **SECTION 162.** 938.38 (2) (intro.) of the statutes is amended to read:

11 938.38 (2) PERMANENCY CASE PLAN REQUIRED. (intro.) Except as provided in sub.
12 (3), for each juvenile living in a foster home, group home, residential care center for
13 children and youth, juvenile detention facility, or shelter care facility, the agency that
14 placed the juvenile or arranged the placement or the agency assigned primary
15 responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall
16 prepare a written permanency case plan, if any of the following conditions exists,
17 and, for each juvenile living in the home of a relative other than a parent, that agency
18 shall prepare a written permanency case plan, if any of the conditions under pars.
19 (a) to (e) exists:

20 **SECTION 163.** 938.38 (3) (intro.) of the statutes is amended to read:

21 938.38 (3) **TIME.** (intro.) Subject to sub. (4m) (a), the agency shall file the
22 permanency case plan with the court within 60 days after the date on which the
23 juvenile was first removed from his or her home, except under either of the following
24 conditions:

25 **SECTION 164.** 938.38 (3) (a) of the statutes is amended to read:

938.02 (1) (v)

1v

as in
Victor

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1 938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a
2 juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and
3 the agency intends to recommend that the juvenile be placed in a juvenile
4 correctional facility or a secured residential care center for children and youth, the
5 agency is not required to submit the permanency case plan unless the court does not
6 accept the recommendation of the agency. If the court places the juvenile in any
7 facility outside of the juvenile's home other than a juvenile correctional facility or a
8 secured e residential care center for children and youth, the agency shall file the
9 permanency case plan with the court within 60 days after the date of disposition.

10 **SECTION 165.** 938.38 (3) (b) of the statutes is amended to read:

11 938.38 (3) (b) If the juvenile is held for less than 60 days in a juvenile detention
12 facility, juvenile portion of a county jail, or a shelter care facility, no permanency case
13 plan is required if the juvenile is returned to his or her home within that period.

14 **SECTION 166.** 938.38 (4) (intro.) of the statutes is amended to read:

15 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include
16 all of the following:

17 **SECTION 167.** 938.38 (4) (ar) of the statutes is amended to read:

18 938.38 (4) (ar) A description of the services offered and any services provided
19 in an effort to prevent the removal of the juvenile from his or her home, while
20 assuring that the health and safety of the juvenile are the paramount concerns, and
21 to achieve the goal of the permanency case plan, except that the permanency case
22 plan is not required to include a description of the services offered or provided with
23 respect to a parent of the juvenile to prevent the removal of the juvenile from the
24 home or to achieve the permanency case plan goal of returning the juvenile safely to

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SECTION 167

1 his or her home if any of the circumstances under s. 938.355 (2d) (b) 1. to 4. apply to
2 that parent.

3 **SECTION 168.** 938.38 (4) (br) 2. of the statutes is amended to read:

4 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
5 removed from the home, a description of the efforts made to place the juvenile in a
6 placement that enables the sibling group to remain together and, if a decision is made
7 not to place the juvenile and his or her siblings in a joint placement, a statement as
8 to why a joint placement would be contrary to the safety or well-being of the juvenile
9 or any of those siblings and a description of the efforts made to provide for frequent
10 visitation or other ongoing interaction between the juvenile and those siblings. If a
11 decision is made not to provide for that visitation or interaction, the permanency case
12 plan shall include a statement as to why that visitation or interaction would be
13 contrary to the safety or well-being of the juvenile or any of those siblings.

14 **SECTION 169.** 938.38 (4) (f) 3. of the statutes is amended to read:

15 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
16 return of the juvenile to his or her home, or, if appropriate, obtain ~~an alternative~~
17 ~~permanent placement~~ for the juvenile a placement for adoption, with a guardian,
18 with a fit and willing relative, or in some other planned permanent living
19 arrangement. *In which the juvenile is in a long-term relationship with an*
adult

20 **SECTION 170.** 938.38 (4) (fg) (intro.) of the statutes is amended to read:

21 938.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency
22 is ~~making concurrent reasonable efforts under~~ engaging in concurrent planning, as
23 defined in s. 938.355 (2b) (a), the goals of the permanency case plan. If a goal of the
24 permanency plan is ~~any goal other than return of the juvenile to his or her home to~~
25 ~~place the juvenile for adoption, with a guardian, or with a fit and willing relative,~~ the

primary and concurrent

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primary and concurrent

1 ~~permanency case plan shall include the rationale for deciding on that goal. If a goal~~
2 ~~of the permanency plan is an alternative permanent placement under subd. 5., the~~
3 ~~permanency plan shall document a compelling reason why it would not be in the best~~
4 ~~interest of the juvenile to pursue a goal specified in subds. 1. to 4. and the efforts~~
5 ~~made to achieve that goal, including, if appropriate, through an out-of-state~~
6 ~~placement. If the agency determines under s. 938.355 (2b) (b) to engage in concurrent~~
7 ~~planning, the case plan shall include the rationale for that determination and a~~
8 ~~description of the concurrent plan and the goals of the concurrent plan. The agency~~

9 shall determine one or more of the following goals to be the goal or goals of a juvenile's
10 permanency case plan:

in which the juvenile is in a long-term relationship
with an adult

11 SECTION 171. 938.38 (4) (fg) 5. of the statutes is amended to read:

12 938.38 (4) (fg) 5. Some As provided in par. (fm), some other alternative planned
13 permanent placement living arrangement, including sustaining care, independent
14 living, or long-term foster care.

, but not including independent living

15 SECTION 172. 938.38 (4) (fm) of the statutes is renumbered 938.38 (4) (fm)
16 (intro.) and amended to read:

17 938.38 (4) (fm) If the goal of the permanency plan is to agency determines that
18 there is a compelling reason why it would not be in the best interests of the juvenile
19 to return the juvenile to his or her home or to place the juvenile for adoption, with
20 a guardian, or with a fit and willing relative, or the permanency goal of placing the
21 juvenile in some other alternative planned permanent placement 5 living
22 arrangement described in par. (fg) 5. If the agency makes that determination, the
23 plan shall include all of the following:

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compelling reason why it would not be in the best
interests of the juvenile to return the juvenile to

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his or her home or to place the juvenile for adoption, with a guardian or

1 2. The rationale for the permanency goal of placing the juvenile in the planned with a
2 permanent living arrangement and the efforts made to achieve that goal, including, fit and
3 if appropriate, through an out-of-state placement. willing
relative

4 SECTION 173. 938.38 (4) (fm) 1. of the statutes is created to read:

5 938.38 (4) (fm) 1. A concurrent plan under s. 938.355 (2b) (b) towards achieving
6 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
7 (fg) 5.

8 SECTION 174. 938.38 (4) (i) of the statutes is amended to read:

9 938.38 (4) (i) A statement as to whether the juvenile's age and developmental
10 level are sufficient for the court to consult with the juvenile at the permanency case
11 plan determination hearing under sub. (4m) (c) or at the permanency case plan
12 hearing under sub. (5m) (c) 2. or for the court or panel to consult with the juvenile
13 at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is made
14 that it would not be age appropriate or developmentally appropriate for the court to
15 consult with the juvenile, a statement as to why consultation with the juvenile would
16 not be appropriate.

17 SECTION 175. 938.38 (4m) (title) of the statutes is amended to read:

18 938.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY
19 PERMANENCY CASE PLAN DETERMINATION HEARING.

20 SECTION 176. 938.38 (4m) (a) of the statutes is amended to read:

21 938.38 (4m) (a) If in a proceeding under s. 938.21, 938.32, 938.355, 938.357,
22 or 938.365 the court finds that any of the circumstances in s. 938.355 (2d) (b) 1. to
23 4. applies with respect to a parent, the court shall hold a hearing within 30 days after
24 the date of that finding to determine the permanency case plan for the juvenile. If
25 a hearing is held under this paragraph, the agency responsible for preparing the

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1 ~~permanency case~~ plan shall file the ~~permanency case~~ plan with the court not less
2 than 5 days before the date of the hearing. At the hearing, the court shall consider
3 placing the juvenile in a placement outside this state if the court determines that
4 such a placement would be in the best interests of the juvenile and appropriate to
5 achieving the goal of the juvenile's ~~permanency case~~ plan.

6 **SECTION 177.** 938.38 (4m) (c) of the statutes is amended to read:

7 938.38 (4m) (c) If the juvenile's ~~permanency case~~ plan includes a statement
8 under sub. (4) (i) indicating that the juvenile's age and developmental level are
9 sufficient for the court to consult with the juvenile regarding the juvenile's
10 ~~permanency case~~ plan or if, notwithstanding a decision under sub. (4) (i) that it would
11 not be appropriate for the court to consult with the juvenile, the court determines
12 that consultation with the juvenile would be in the best interests of the juvenile, the
13 court shall consult with the juvenile, in an age-appropriate and developmentally
14 appropriate manner, regarding the juvenile's ~~permanency case~~ plan and any other
15 matters the court finds appropriate. If none of those circumstances apply, the court
16 may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235
17 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during
18 the hearing, or to submit a written statement prior to the hearing, expressing the
19 juvenile's wishes, goals, and concerns regarding the ~~permanency case~~ plan and those
20 matters. If the court permits such a written or oral statement to be made or
21 submitted, the court may nonetheless require the juvenile to be physically present
22 at the hearing.

23 **SECTION 178.** 938.38 (5) (a) of the statutes is amended to read:

24 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
25 appointed under par. (ag) shall review the ~~permanency case~~ plan in the manner

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1 provided in this subsection not later than 6 months after the date on which the
2 juvenile was first removed from his or her home and every 6 months after a previous
3 review under this subsection for as long as the juvenile is placed outside the home,
4 except that for the review that is required to be conducted not later than 12 months
5 after the juvenile was first removed from his or her home and the reviews that are
6 required to be conducted every 12 months after that review, the court shall hold a
7 hearing under sub. (5m) to review the permanency case plan. The hearing may be
8 instead of or in addition to the review under this subsection.

9 **SECTION 179.** 938.38 (5) (ag) of the statutes is amended to read:

10 938.38 (5) (ag) If the court elects not to review the permanency case plan, the
11 court shall appoint a panel to review the permanency case plan. The panel shall
12 consist of 3 persons who are either designated by an independent agency that has
13 been approved by the chief judge of the judicial administrative district or designated
14 by the agency that prepared the permanency case plan. A voting majority of persons
15 on each panel shall be persons who are not employed by the agency that prepared the
16 permanency case plan and who are not responsible for providing services to the
17 juvenile or the parents of the juvenile whose permanency case plan is the subject of
18 the review.

19 **SECTION 180.** 938.38 (5) (am) of the statutes is amended to read:

20 938.38 (5) (am) The court may appoint an independent agency to designate a
21 panel to conduct a permanency case plan review under par. (a). If the court appoints
22 an independent agency under this paragraph, the county department of the county
23 of the court shall authorize and contract for the purchase of services from the
24 independent agency.

25 **SECTION 181.** 938.38 (5) (bm) 2. of the statutes is amended to read:

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1 938.38 (5) (bm) 2. If the juvenile's permanency case plan includes a statement
2 under sub. (4) (i) indicating that the juvenile's age and developmental level are
3 sufficient for the court or panel to consult with the juvenile regarding the juvenile's
4 permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would
5 not be appropriate for the court or panel to consult with the juvenile, the court or
6 panel determines that consultation with the juvenile would be in the best interests
7 of the juvenile, the court or panel shall consult with the juvenile, in an
8 age-appropriate and developmentally appropriate manner, regarding the juvenile's
9 permanency case plan and any other matters the court or panel finds appropriate.
10 If none of those circumstances apply, the court or panel may permit the juvenile's
11 caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's
12 guardian ad litem to make a written or oral statement during the review, or to submit
13 a written statement prior to the review, expressing the juvenile's wishes, goals, and
14 concerns regarding the permanency case plan and those matters. If the court or
15 panel permits such a written or oral statement to be made or submitted, the court
16 or panel may nonetheless require the juvenile to be physically present at the review.

17 **SECTION 182.** 938.38 (5) (c) 2. of the statutes is amended to read:

18 938.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
19 agency and any other service providers, the juvenile's parents, the juvenile and the
20 juvenile's guardian, if any.

21 **SECTION 183.** 938.38 (5) (c) 5. of the statutes is amended to read:

22 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned
23 to his or her home or placed for adoption, with a guardian, with a fit and willing
24 relative, or in some other alternative planned permanent placement living
25 arrangement.

in which the juvenile is in a long-term relationship
with an adult

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*in which the juvenile is in a long-term relationship
with an adult*

SECTION 184

1 **SECTION 184.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

2 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
3 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured
4 residential care center for children and youth, or shelter care facility for 15 of the
5 most recent 22 months, not including any period during which the juvenile was a
6 runaway from the out-of-home placement or ~~the first 6 months of any period during~~
7 ~~which the juvenile~~ was returned to his or her home for a trial home visit
8 reunification, the appropriateness of the permanency case plan and the
9 circumstances which prevent the juvenile from any of the following:

10 **SECTION 185.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

11 938.38 (5) (c) 6. d. Being placed in some other alternative planned permanent
12 placement living arrangement, including sustaining care, independent living, or
13 long-term foster care, *, but not including independent living*

14 **SECTION 186.** 938.38 (5) (c) 6m. of the statutes is created to read:

15 938.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in
16 s. 938.355 (2b) (a), the appropriateness, in light of the standards established by the
17 department ~~under sub. (6)(d)~~, of each of the permanency goals of the concurrent plan.
18 If the court or panel does not approve of any one or more of those goals, the court or
19 panel must include in its determinations under this paragraph the reasons for that
20 disapproval.

21 **SECTION 187.** 938.38 (5) (c) 7. of the statutes is amended to read:

22 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
23 the goal of the permanency case plan, including, if appropriate, through an
24 out-of-state placement,.

25 **SECTION 188.** 938.38 (5) (d) of the statutes is amended to read:

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1 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
2 permanency case plan shall, at least 5 days before a review by a review panel, provide
3 to each person appointed to the review panel, the juvenile's parent, guardian, and
4 legal custodian, the person representing the interests of the public, the juvenile's
5 counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile
6 who is placed outside the home of his or her parent or Indian custodian under s.
7 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe a copy
8 of the permanency case plan and any written comments submitted under par. (bm)
9 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
10 representing the interests of the public, the juvenile's counsel, the juvenile's
11 guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the
12 home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the
13 Indian juvenile's Indian custodian and tribe may have access to any other records
14 concerning the juvenile for the purpose of participating in the review. A person
15 permitted access to a juvenile's records under this paragraph may not disclose any
16 information from the records to any other person.

17 **SECTION 189.** 938.38 (5m) (title) of the statutes is amended to read:

18 938.38 (5m) (title) PERMANENCY CASE PLAN HEARING.

19 **SECTION 190.** 938.38 (5m) (a) of the statutes is amended to read:

20 938.38 (5m) (a) The court shall hold a hearing to review the permanency case
21 plan and to make the determinations specified in sub. (5) (c) no later than 12 months
22 after the date on which the juvenile was first removed from the home and every 12
23 months after a previous hearing under this subsection for as long as the juvenile is
24 placed outside the home.

25 **SECTION 191.** 938.38 (5m) (b) of the statutes is amended to read:

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1 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
2 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
3 juvenile's foster parent, the operator of the facility in which the juvenile is living, or
4 the relative with whom the juvenile is living; of the time, place, and purpose of the
5 hearing, of the issues to be determined at the hearing, and of the fact that they shall
6 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
7 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
8 permanency case plan; the person representing the interests of the public; and, if the
9 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
10 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian
11 custodian and tribe of the date, time, and place, and purpose of the hearing, of the
12 issues to be determined at the hearing, and of the fact that they may have an
13 opportunity to be heard at the hearing as provided in par. (c) 1.

14 **SECTION 192.** 938.38 (5m) (c) 2. of the statutes is amended to read:

15 938.38 (5m) (c) 2. If the juvenile's permanency case plan includes a statement
16 under sub. (4) (i) indicating that the juvenile's age and developmental level are
17 sufficient for the court to consult with the juvenile regarding the juvenile's
18 permanency case plan or if, notwithstanding a decision under sub. (4) (i) that it would
19 not be appropriate for the court to consult with the juvenile, the court determines
20 that consultation with the juvenile would be in the best interests of the juvenile, the
21 court shall consult with the juvenile, in an age-appropriate and developmentally
22 appropriate manner, regarding the juvenile's permanency case plan and any other
23 matters the court finds appropriate. If none of those circumstances apply, the court
24 may permit the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235
25 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during

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1 the hearing, or to submit a written statement prior to the hearing, expressing the
2 juvenile's wishes, goals, and concerns regarding the permanency case plan and those
3 matters. If the court permits such a written or oral statement to be made or
4 submitted, the court may nonetheless require the juvenile to be physically present
5 at the hearing.

6 **SECTION 193.** 938.38 (5m) (d) of the statutes is amended to read:

7 938.38 (5m) (d) At least 5 days before the date of the hearing the agency that
8 prepared the permanency case plan shall provide a copy of the permanency case plan
9 and any written comments submitted under par. (c) 1. to the court, to the juvenile's
10 parent, guardian, and legal custodian, to the person representing the interests of the
11 public, to the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian
12 juvenile who is placed outside the home of his or her parent or Indian custodian
13 under s. 938.13 (4), (6), (6m), or (7), to the Indian juvenile's Indian custodian and
14 tribe. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the
15 public, the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian
16 juvenile who is placed outside the home of his or her parent or Indian custodian
17 under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe
18 may have access to any other records concerning the juvenile for the purpose of
19 participating in the review. A person permitted access to a juvenile's records under
20 this paragraph may not disclose any information from the records to any other
21 person.

22 **SECTION 194.** 938.38 (5m) (e) of the statutes is amended to read:

23 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
24 and conclusions of law relating to the determinations under sub. (5) (c) and shall
25 provide a copy of those findings of fact and conclusions of law to the juvenile; the

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1 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the
2 operator of the facility in which the juvenile is living, or the relative with whom the
3 juvenile is living; the agency that prepared the permanency case plan; the person
4 representing the interests of the public; and, if the juvenile is an Indian juvenile who
5 is placed outside the home of his or her parent or Indian custodian under s. 938.13
6 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. The court shall
7 make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
8 circumstances specific to the juvenile and shall document or reference the specific
9 information on which those findings are based in the findings of fact and conclusions
10 of law prepared under this paragraph. Findings of fact and conclusions of law that
11 merely reference sub. (5) (c) 7. without documenting or referencing that specific
12 information in the findings of fact and conclusions of law or amended findings of fact
13 and conclusions of law that retroactively correct earlier findings of fact and
14 conclusions of law that do not comply with this paragraph are not sufficient to comply
15 with this paragraph.

16 **SECTION 195.** 938.38 (5m) (f) of the statutes is amended to read:

17 938.38 **(5m)** (f) If the findings of fact and conclusions of law under par. (e)
18 conflict with the juvenile's dispositional order or provide for any additional services
19 not specified in the dispositional order, the court shall revise the dispositional order
20 under s. 938.363 ~~or~~, order a change in placement under s. 938.357, or order a trial
21 reunification under s. 938.358, as appropriate.

22 **SECTION 196.** 938.38 (6) (a) of the statutes is amended to read:

23 938.38 **(6)** (a) Procedures for conducting permanency case plan reviews.

24 **SECTION 197.** 938.38 (6) (d) of the statutes is amended to read:

25 938.38 **(6)** (d) The format for permanency case plans and review panel reports.

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SECTION 198. 938.38 (6) (f) of the statutes is created to read:

938.38 (6) (f) Standards for determining whether a county department or the agency primarily responsible for providing services to a juvenile should engage in concurrent planning, as defined in s. 938.355 (2b) (a).

SECTION 199. Nonstatutory provisions.

(1) CONCURRENT PLANNING FOR CHILDREN IN OUT-OF-HOME CARE; RULES.

(a) *Submission to legislative council staff.* The department of children and families shall submit in proposed form the rules required under section 48.38 (6) (f) of the statutes, as created by this act, and the department of corrections shall submit in proposed form the rules required under section 938.38 (6) (f) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.38 (6) (f) of the statutes, as created by this act, and the department of corrections may promulgate the rules required under section 938.38 (6) (f) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under sections 48.38 (6) (f) and 938.38 (6) (f) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of children and families and the department of corrections are not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety,

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1 or ~~welfare~~ and are not required to provide a finding of emergency for a rule
2 promulgated ~~under~~ this paragraph.

SECTION 200. Initial applicability.

4 (1) CASE PLANNING FOR CHILDREN IN OUT-OF-HOME CARE.

5 (a) *Case plan contents.* Except as provided in paragraph (b) and subsection (2),
6 this act first applies to a case plan filed on the effective date of this paragraph.

7 (b) *Case plan reviews and hearings.* The treatment of sections 48.38 (5) (c) 5.,
8 6. (intro.) and d., and 6m. and (5m) (f) and 938.38 (5) (c) 5., 6. (intro.) and d., and 6m.
9 and (5m) (f) of the statutes first apply to a hearing or review for which a case plan
10 is filed or provided on the effective date of this paragraph.

11 (2) TRIAL REUNIFICATIONS FOR CHILDREN IN OUT-OF-HOME CARE.

12 (a) *Trial reunifications.* The treatment of sections 48.235 (4) (a) 2. and (4m) (a)
13 2., 48.299 (4) (b), 48.335 (4), 48.358, 938.235 (4) (a) 2., 938.335 (4), and 938.358 of the
14 statutes first applies to a trial reunification requested or proposed on the effective
15 date of this paragraph.

16 (b) *Revisions of dispositional orders.* The treatment of sections 48.363 (1) (a)
17 and 938.363 (1) (a) of the statutes first applies to a revision of a dispositional order
18 requested or proposed on the effective date of this paragraph.

19 (c) *Extensions of dispositional orders.* The treatment of sections 48.365 (2g) (b)
20 3. and (7) and 938.365 (2g) (b) 3. and (7) of the statutes first applies to an extension
21 of a dispositional order requested or proposed on the effective date of this paragraph.

22 (d) *Terminations of parental rights.* The treatment of section 48.417 (1) (a) of
23 the statutes first applies to a termination of parental rights petition filed or joined
24 in on the effective date of this paragraph.

SECTION 201. Effective date.

BILL

- 87 -

November 1, 2012

LRB-3802/1
GMM:wlj:jm
SECTION 201

1 (1) CASE PLANNING FOR CHILDREN IN OUT-OF-HOME CARE. This act takes effect on
2 ~~the first day of the 4th month beginning after publication.~~

3 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3802/2ins
GMM.....

INSERT 15-13)

SECTION ~~48~~ 48.357 (1) (am) 1. of the statutes is amended to read:

48.357 (1) (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is an Indian child who has been removed from the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. If the child is the expectant mother of an unborn child under s. 48.133, written notice shall also be sent to the unborn child by the unborn child's guardian ad litem. If the change in placement involves an adult expectant mother of an unborn child under s. 48.133, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment child's case plan ordered by the court.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; s. 13.92 (1) (bm) 2.

SECTION ~~48~~ 48.357 (1) (c) 1. of the statutes is amended to read:

48.357 (1) (c) 1. If the proposed change in placement would change the placement of a child placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall submit a request for the change in

1 placement to the court. The request shall contain the name and address of the new
2 placement, the reasons for the change in placement, a statement describing why the
3 new placement is preferable to the present placement, and a statement of how the
4 new placement satisfies the objectives of the treatment child's case plan ordered by
5 ~~the court~~. The request shall also contain specific information showing that continued
6 placement of the child in his or her home would be contrary to the welfare of the child
7 and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies,
8 specific information showing that the agency primarily responsible for
9 implementing the dispositional order has made reasonable efforts to prevent the
10 removal of the child from the home, while assuring that the child's health and safety
11 are the paramount concerns.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; s. 13.92 (1) (bm) 2.

(END OF INSERT)

(INSERT 59-20)

12 **SECTION ~~4~~ 938.357 (1) (am) 1.** of the statutes is amended to read:
13 938.357 (1) (am) 1. If the proposed change in placement involves any change
14 in placement other than a change in placement under par. (c), the person or agency
15 primarily responsible for implementing the dispositional order or the district
16 attorney shall cause written notice of the proposed change in placement to be sent
17 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
18 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If
19 the juvenile is an Indian juvenile who has been removed from the home of his or her
20 parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall
21 also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall
22 contain the name and address of the new placement, the reasons for the change in

1 placement, a statement describing why the new placement is preferable to the
2 present placement, and a statement of how the new placement satisfies the
3 objectives of the ~~treatment~~ juvenile's case plan ordered by the court.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
s. 13.92 (1) (bm) 2.

4 **SECTION ~~4~~ 938.357 (1) (c) 1.** of the statutes is amended to read:

5 938.357 (1) (c) 1. If the proposed change in placement would change the
6 placement of a juvenile placed in the home to a placement outside the home, the
7 person or agency primarily responsible for implementing the dispositional order or
8 the district attorney shall submit a request for the change in placement to the court.
9 The request shall contain the name and address of the new placement, the reasons
10 for the change in placement, a statement describing why the new placement is
11 preferable to the present placement, and a statement of how the new placement
12 satisfies the objectives of the ~~treatment~~ juvenile's case plan ordered by the court. The
13 request shall also contain specific information showing that continued placement of
14 the juvenile in his or her home would be contrary to the welfare of the juvenile and,
15 unless any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies, specific
16 information showing that the agency primarily responsible for implementing the
17 dispositional order has made reasonable efforts to prevent the removal of the
18 juvenile from the home, while assuring that the juvenile's health and safety are the
19 paramount concerns.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
s. 13.92 (1) (bm) 2.

(END OF INSERT)

Godwin, Gigi

From: Rep.Kerkman
Sent: Friday, February 17, 2012 2:52 PM
To: LRB.Legal
Subject: Please jacket for the assembly- LRB 3802/2

Please jacket for the assembly LRB 3802/2

Thank you!

Alison Morrell

Office of State Representative Samantha Kerkman
66th Assembly District of Wisconsin
315 North, State Capitol
608-266-2530